



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed March 16, 2021


Stacy G. L. James
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Debtor.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

HIGHLAND CAPITAL MANAGEMENT
SERVICES, INC.,

Defendant.

§ Chapter 11
§ Case No. 19-34054-sgj11
§
§ Adversary Proceeding No.
§ 21-03006-sgj11
§
§

ORDER APPROVING STIPULATION REGARDING SCHEDULING ORDER

Upon consideration of the *Stipulation and Proposed Scheduling Order* (the “Stipulation”)² by and between Highland Capital Management, L.P., as debtor-in-possession (the “Debtor”), and

¹ The Debtor’s last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

² Capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Stipulation.

Highland Capital Management Services, Inc. (“HCMS”, and together with the Debtor, the “Parties”), it is **HEREBY ORDERED THAT:**

1. The Stipulation, a copy of which is attached hereto as **Exhibit A**, is **APPROVED**.
2. The Stipulation shall become effective immediately upon entry of this Order.
3. With respect to the Adversary Proceeding, the Parties shall abide by the following pretrial schedule (the “Joint Pretrial Schedule”) in lieu of that provided in the Alternative Scheduling Order:

<i>Joint Pretrial Schedule</i>	
<u>Event</u>	<u>Deadline</u>
1. Service of Written Discovery Requests	May 10, 2021
2. Service of Written Responses to Discovery	June 14, 2021
3. Completion of Fact Discovery	July 5, 2021
4. Expert Disclosures	July 16, 2021
5. Completion of Expert Discovery	August 2, 2021
6. Dispositive Motions	August 16, 2021
7. Exhibit and Witness Lists	September 20, 2021
8. Joint Pretrial Order	September 27, 2021
9. Proposed Findings of Fact and Conclusions of Law	September 27, 2021
10. Trial Docket Call	October 4, 2021 at 1:30 p.m. (CT)

4. The Joint Pretrial Schedule set forth in this Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

5. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Order.

###End of Order###

EXHIBIT A

PACHULSKI STANG ZIEHL & JONES LLP

Jeffrey N. Pomerantz (CA Bar No.143717) (*admitted pro hac vice*)
Ira D. Kharasch (CA Bar No. 109084) (*admitted pro hac vice*)
John A. Morris (NY Bar No. 2405397) (*admitted pro hac vice*)
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-and-

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Counsel for Highland Capital Management Services, Inc.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	
	§	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P., ¹	§	
	§	Case No. 19-34054-sgj11
Debtor.	§	
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Plaintiff,	§	Adversary Proceeding No.
	§	
vs.	§	21-03006-sgj11
	§	
HIGHLAND CAPITAL MANAGEMENT	§	
SERVICES, INC.,	§	
	§	
Defendant.	§	

STIPULATION AND PROPOSED SCHEDULING ORDER

This stipulation (the “Stipulation”) is made and entered into by and between Highland Capital Management, L.P., as debtor-in-possession (the “Debtor”), and Highland Capital Management Services, Inc. (“HCMS” or “Defendant”, and together with the Debtor, the “Parties”), by and through their respective undersigned counsel.

RECITALS

WHEREAS, on October 16, 2019 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the Bankruptcy Court for the District of Delaware, Case No. 19-12239 (CSS) (the “Delaware Court”);

WHEREAS, on December 4, 2019, the Delaware Court entered an order transferring venue

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of the Debtor's bankruptcy case (the "Bankruptcy Case") to this Court;

WHEREAS, on January 22, 2021, the Debtor commenced the above-captioned adversary proceeding (the "Adversary Proceeding") against HCMS by filing its complaint [Docket No. 1] (the "Complaint")²;

WHEREAS, on January 25, 2021, the Court issued its *Order Regarding Adversary Proceedings Trial Setting and Alternative Scheduling Order* [Docket No. 3] (the "Alternative Scheduling Order");

WHEREAS, on March 3, 2021, HCMS filed its answer to the Debtor's Complaint [Docket No. 6] (the "Answer");

WHEREAS, the Parties have conferred and desire to enter into a mutually agreeable proposed schedule, as specifically set forth below.

NOW, THEREFORE, it is hereby stipulated and agreed, and upon approval of this Stipulation by the Court, it shall be SO ORDERED:

1. The Parties agree to the following schedule (the "Proposed Joint Scheduling Order") in lieu of that provided in the Alternative Scheduling Order:

<i>Proposed Joint Scheduling Order</i>	
<u>Event</u>	<u>Deadline</u>
1. Service of Written Discovery Requests	May 10, 2021
2. Service of Written Responses to Discovery	June 14, 2021
3. Completion of Fact Discovery	July 5, 2021
4. Expert Disclosures	July 16, 2021
5. Completion of Expert Discovery	August 2, 2021
6. Dispositive Motions	August 16, 2021
7. Exhibit and Witness Lists	September 20, 2021
8. Joint Pretrial Order	September 27, 2021

² Refers to the docket number maintained in the Adversary Proceeding.

9. Proposed Findings of Fact and Conclusions of Law	September 27, 2021
10. Trial Docket Call	October 4, 2021 at 1:30 p.m. (CT)

2. If approved by the Court, the Proposed Joint Scheduling Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

3. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Stipulation.

[Remainder of Page Intentionally Blank]

Dated: March 11, 2021.

WICK PHILLIPS GOULD & MARTIN, LLP

/s/ Lauren K. Drawhorn

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- and -

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Counsel for Highland Capital Management, L.P.

United States Bankruptcy Court
Northern District of Texas

Highland Capital Management, L.P.,

Plaintiff

Highland Capital Management Services, In,

Defendant

Adv. Proc. No. 21-03006-s gj

CERTIFICATE OF NOTICE

District/off: 0539-3

User: mmathews

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Date Rcvd: Mar 16, 2021

Form ID: pdf001

Total Noticed: 4

The following symbols are used throughout this certificate:

Symbol

Definition

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 18, 2021:

Recip ID	Recipient Name and Address
ust	+ Cheryl Wilcoxson, US Trustee, 1100 Commerce St., Ste. 976, Dallas, TX 75242-0996

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustregion06.ty.ecf@usdoj.gov	Mar 16 2021 22:17:00	US Trustee, Office of the U.S. Trustee, 110 N. College Ave., Suite 300, Tyler, TX 75702-7231
ust	+ Email/Text: ustregion07.hu.ecf@usdoj.gov	Mar 16 2021 22:17:00	US Trustee, Office of the US Trustee, 515 Rusk Ave, Ste 3516, Houston, TX 77002-2604
ust	+ Email/Text: ustregion06.da.ecf@usdoj.gov	Mar 16 2021 22:17:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996

TOTAL: 3

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
ust		Sandra Nixon, U.S. Trustee
ust		mario zavala
ust	*+	US Trustee, Office of the U.S. Trustee, 110 N. College Ave., Suite 300, Tyler, TX 75702-7231

TOTAL: 2 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 18, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

District/off: 0539-3

User: mmathews

Page 2 of 2

Date Rcvd: Mar 16, 2021

Form ID: pdf001

Total Noticed: 4

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 16, 2021 at the address(es) listed below:

Name **Email Address**

Lauren Kessler Drawhorn

on behalf of Defendant Highland Capital Management Services Inc. lauren.drawhorn@wickphillips.com,
samantha.tandy@wickphillips.com

Zachery Z. Annable

on behalf of Plaintiff Highland Capital Management L.P. zannable@haywardfirm.com

TOTAL: 2